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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,040	09/22/2003	James Turvey	AGTZ 2 00056	7291

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EXAMINER	
RIVELL, JOHN A	

ART UNIT	PAPER NUMBER
3753	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/668,040	TURVEY, JAMES	
	Examiner	Art Unit	
	John Rivell	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *9/22/03 (application)*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 September 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *02062004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The drawings are objected to as generally failing the requirements of 37 CFR 1.84 as the drawings appear to be informal.

The drawings are further objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "100" as mentioned on page 5, paragraph [0026].

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 , 7-12 and 14 are rejected under 35 U.S.C. §102 (b) as being anticipated by Podgers.

The patent to Podgers discloses, in figures 2 and 2a for example, a "dry break disconnect assembly for use in an associated fuel delivery system having a flexible fuel line extending from a fuel reservoir adapted for selective connection with an associated vehicle to be filled with fuel, the dry break disconnect assembly comprising: a first member (34) having a first shutoff member (valve 42) received therein; a second member (13) having a second shutoff member (valve 43) received therein; means (the flow path between both valves when the valves are open) for establishing flow through the shutoff (valve) members when the first (42) and second (43) members are connected together (as shown in fig. 2); and a frangible connection (at frangible bolts 38) securing the first (34) and second (13) members together so that the frangible connection (e.g. the radially extending frangible shaft of the bolts 38) breaks under a predetermined load and the first (42) and second (43) shutoff members are actuated to shutoff positions in response to the predetermined load (as shown I fig. 2a)" as recited in claim 1.

Regarding claim 2, in Podgers, "the frangible connection includes a series of spaced pins (i.e. the frangible shafts of bolts 38) interconnecting the first (34) and second (13) members" as recited.

Regarding claim 3, in Podgers "the pins (bolts 38) are circumferentially spaced about the first (34) and second (13) members" as recited.

Regarding claim 4, in Podgers, "each of the first (42) and second (43) shutoff members is a valve urged by a biasing member (respective springs 56, 57) toward a closed position when the first (34) and second (13) members are separated" as shown in fig. 2a and as recited.

Regarding claim 5, in Podgers, "each shutoff valve (42 and 43) includes a stem (the rightward extension of the left valve 42 and the leftward extension of the right valve 43) extending axially therefrom for selective operative engagement with the stem from the other shutoff valve and overcome the force of the biasing member (springs 56, 57) when the first (34) and second (13) members are secured together" as shown in fig. 2 and as recited.

Regarding claim 7, Podgers discloses a "fuel delivery system comprising: a fuel line (connected to the inlet of the coupling shown in figures 2 and 2a) extending from an associated fuel reservoir and adapted for selective connection with an associated vehicle to be filled with fuel (as connected to the outlet of the coupling); a first member (34) having a first shutoff valve (42) received therein; a second member (13) having a second shutoff valve (43) received therein, the shutoff valves selectively movable to a flow position when the first (34) and second (13) members are connected together and establishing flow therethrough (fig. 2); and means (frangible bolts 38) for connecting the first (34) and second (13) members together so that the connecting means (38) separates under a driveaway event, and the first (42) and second (43) shutoff valves move to shutoff positions in response thereto" as shown in fig. 2a and as recited.

Regarding claim 8, in Podgers, "the connecting means includes plural frangible members (bolts 38) interconnecting the first (34) and second (13) members, the frangible members (38) designed to break in response to a predetermined load imposed during the driveaway event" as recited.

Regarding claim 9, in Podgers, "the connecting means includes plural, spaced frangible members (bolts 38) interconnecting the first (34) and second (13) members" as recited.

Regarding claim 10, in Podgers, "the plural frangible members (38) are disposed circumferentially about the first (34) and second (13) members" as recited.

Regarding claim 11, in Podgers, "the plural frangible members (especially the connecting shafts of each bolt 38) extend in a generally radial direction" as recited.

Regarding claim 12, in Podgers, "the plural frangible members (especially the connecting shafts of each bolt 38) extend in a generally radial direction" as recited.

Regarding claim 14, when making and/or using the device disclosed by Podgers, one necessarily performs a "method of disconnecting a fuel line during a driveaway event comprising the steps of: incorporating a drybreak disconnect (the device of figure 2) into a fuel line; mounting at least one frangible connector (frangible bolt 38) in the drybreak disconnect; and providing first (42) and second (43) shutoff valves on opposite ends of the disconnect assembly to shut off flow therethrough in the event of a driveaway event" as shown in figure 2a and as recited in the claim.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the embodiment of figure 2 of Podgers in view of the embodiment of figure 5 of Podgers.

The embodiment of the invention of figure 2 of Podgers discloses all the claimed features with the exception of having a "a hollow sleeve extending over the frangible connection".

The embodiment of invention in Podgers disclosed in figure 5 includes a "a hollow sleeve" at 61c extending over the coupled ends of the coupling for the purpose of covering the coupled ends of the opposite halves of the coupling to provide for some protection.

It would have been obvious at.the time the invention was made to a person having ordinary skill in the art to employ in the embodiment of figure 2 a hollow sleeve extending over the frangible connection at the opposing coupled ends of the coupling at ends 34 and 13 for the purpose of covering the coupled ends of the opposite halves of the coupling to provide for some protection as recognized by the embodiment of figure 5 of Podgers.

Claims 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the embodiment of figure 2 of Podgers in view of Rabushka et al.

The patent to Podgers discloses all the claimed features with the exception of having ""a securing member for attaching the first and second members in a slack condition"

The patent to Rabushka et al., in figure 6 for example, discloses that it is known in the art to employ a separate individual line element 87 attached at one end to a fixed portion of the building and the other end fixed to the breakaway coupling for the purpose of allowing "slack" in the delivery hose permitting some movement of the vehicle with

the fuel nozzle still received within the filler neck without uncoupling the breakaway coupling.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Podgers a separate individual line element having one end attached to a fixed portion of the building and the other end attached to the breakaway coupling device of fig. 2 for the purpose of allowing "slack" in the delivery hose permitting some movement of the vehicle with the fuel nozzle still received within the filler neck without uncoupling the breakaway coupling as recognized by Rabushka et al.

Regarding claim 15, in making and/or using the device of the above combination, one necessarily will perform "the further step of securing the fluid line at the drybreak disconnect in a slack position" as recited to allow for relative movement as taught by Rabushka et al.

Regarding claim 16, the method steps performed will further require "the securing step (to) includes securing the fluid line to a stationary structure" as recited.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (571) 272-4918. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Rivell
Primary Examiner
Art Unit 3753

j.r.